


EXHIBIT 4

**POLICE DEPARTMENT
MEMORANDUM**



Date: 06/28/17

To: Chief Lee via Chain of Command

From: Commander Caillier 

Reference: Shooting Review 17 Discharge-04, 17 Force-102

On June 27th, 2017, a Use of Force Review Board was convened to examine the facts and circumstances surrounding Officer J. Nelson discharging his patrol handgun on June 10, 2017. The Review Board was ordered by Chief Lee.

The Board consisted of Sgt. J. Frith, Commander S. Stocker and me. The board reviewed the Valley Investigations Team report completed by lead investigator Detective Beam, Port of Seattle PD. The evidence consisted of APD case 17-07199, Port of Seattle case 2017-32867, Coban Video, witness statements, and involved Auburn Officer statements.

Board Findings:

On June 10th, 2017, Officer Jeff Nelson was on-duty, in full uniform, and working as an Auburn PD K-9 Handler. He had his service K9 Koen with him.

At 1225 hours, Officer Nelson responded to a 911 call of a suspicious circumstance of a male who had entered armed with a knife and demanding money. The initial report came in from [REDACTED]. The suspect was unknown and was reported to have left the location on foot. The subject was later identified as I [REDACTED] O [REDACTED], [REDACTED] 1991. While Officers were in route, a suspect description was provided, as well as a direction of travel.

At approximately 1228 hours, Officer Nelson observed the suspect walking westbound on 21st street southeast, approaching D street southeast. Officer Nelson conducted a U-turn and drove towards the intersection. Officer Nelson observed the suspect still had a knife visible in his right hand. Officer Nelson then observed the suspect walk into the intersection of 21st and D Street SE, forcing a vehicle to stop for him. The vehicle was occupied by one female, later identified as J [REDACTED] B. M [REDACTED], [REDACTED] 1969. Officer Nelson observed O [REDACTED], still armed with a knife, attempting to force his way into M [REDACTED] vehicle. Officer Nelson observed that M [REDACTED] was "clearly in distress" and order O [REDACTED] to "Stop, police." Officer Nelson observed O [REDACTED] stabbing at the vehicle window

with his knife in an apparent attempt to break in. Officer Nelson deployed K9 Koen almost simultaneously as he advanced on O [REDACTED].

Officer Nelson was able to call out "code 2" on the radio, requesting additional officers expedite.

Officer Nelson believed M [REDACTED]' life was in danger and believed his life was in danger as O [REDACTED] turned towards him with the knife. Officer Nelson fired his weapon initially one time, causing O [REDACTED] to go to the ground. Officer Nelson observed O [REDACTED] still had the knife in his hand and appeared to be attempting to move towards him. Officer Nelson fired a second shot, which put the suspect back to the ground at approximately the same time that K9 Koen engaged the suspect. The knife came out of O [REDACTED]'s hand at that point and Officer Nelson pulled K9 Koen back.

Officer J. Bruce arrived to assist. Officer Nelson notified dispatch of the shots fired and that the suspect down. He secured K9 Koen in his vehicle and secured O [REDACTED] in handcuffs.

At the time he fired his weapon, Officer Nelson believe O [REDACTED] posed a threat of death or serious bodily injury to both himself and M [REDACTED].

M [REDACTED] was interviewed and confirmed that O [REDACTED] was armed with a knife and was trying to break her window with it. M [REDACTED] also believed during the incident that O [REDACTED] may stab her and that she may die. Witness C [REDACTED] remembered O [REDACTED] trying to open M [REDACTED]' vehicle door and pounding on her window. She also heard Nelson yelling "Stop, Stop." Witnesses L [REDACTED] and M [REDACTED] were consistent with their observations. Neither C [REDACTED] or L [REDACTED] observed O [REDACTED] with a knife.

A knife was recovered at the scene, which was consistent with the statements provided by Officer Nelson, M [REDACTED], and the initial reporting party.

The Valley Investigation Team investigative report is included for reference.

Based on the foregoing, the Board examined Auburn Police Use of Force Policy 300 and Firearms Policy 306. The Board believes Officer Nelson acted reasonably and within both policies.

AUBURN POLICE DEPARTMENT

C-I-A REPORT

Disposition/Recommendations

Date Received 6/27/17 Date Reviewed 6/27/17 C-I-A Number 17 DISCHARGE - 04
17 FORCE - 102

Allegations			Findings
1. Use of Force	7. Dishonesty	13. Civil Rights Violation	A. Actual Misconduct
2. Discrimination	8. Discourtesy	14. F.T.A. Court	A1. Misconduct not Based on Complaint
3. False Arrest/ Imprisonment	9. Neglect of Duty	15. Insubordination	B. No Misconduct
4. Unlawful Search/ Seizure	10. Traffic	16. Collision	C. Exonerated
5. Violation Policy/ Procedures	11. Slow/No Response		D. Suspended
6. Conduct Unbecoming	12. Harassment		E. Preventable
			F. Non-Preventable
			G. Acceptable Performance
			H. Unacceptable Performance

Supervisor Review Board Comments and Findings of Fact

Employee: <u>J. NELSON</u>	
Allegation 1: <u>USE OF FORCE</u>	Finding 1: <u>ACCEPTABLE PERFORMANCE</u>
Allegation 2: <u>0</u>	Finding 2:
Allegation 3:	Finding 3:
Supervisor Review Board Member <u>SGT SAMOS FRIED</u> Rank/Name	Signature <u>94 6228</u>
Supervisor Review Board Member <u>Cmdr Steve Stocker</u> Rank/Name	Signature <u>[Signature]</u>
Supervisor Review Board Member <u>CMR Mark Callier</u> Rank/Name	Signature <u>[Signature]</u>
Chief of Police <u>[Signature]</u> Signature	Date <u>6/29/17</u>



Auburn Police Department

Medal of Valor

Officer Jeff Nelson & K9 Koen,

On June 10, 2017 at approximately 1224 hours, your and other members of the Auburn Police Department responded to a report of an armed home invasion robbery at [REDACTED].

The victim stated that a male had entered her residence, armed with a knife and demanded money. The suspect subsequently fled the apartment and was last seen running eastbound on 23rd Street SE.

You and Police Service Dog Koen arrived in the area a short time later and saw a male matching the description in the 400 block of 21st Street SE. You recognized this male as the suspect and attempted to contact him. The suspect ran westbound on 21st Street SE and into the path of an eastbound vehicle. The suspects actions forced the vehicle to stop as the suspect approached the driver's side window of the vehicle. The suspect began to stab the window with the knife in an attempt to gain entry into the vehicle. The driver appeared fearful and frozen in her actions.

You ordered the suspect to stop and deployed Police Service Dog Koen in an attempt to prevent the armed suspect from harming the victim. He ignored your commands and continued his attempt to break into the occupied vehicle while still armed with a deadly weapon.

In order to prevent an imminent deadly attack on the victim of the vehicle, you fired your service pistol, striking the suspect in the upper chest/shoulder area. Disregarding your own safety and putting the life of the driver before your own, you placed yourself between the armed suspect and the driver of the vehicle. While still failing to comply with your commands, the suspect attempted to advance towards you and the innocent third party victim in the vehicle while still armed with the knife. You fired your weapon a second time ending the threat.

The female victim credited your actions with saving her life. You conspicuously displayed extreme courage beyond the normal demands of police service while there was a substantial risk to your own physical safety. You are hereby awarded the Auburn Police Departments Medal of Valor.

Dated this 18th day of June, 2018.

A handwritten signature in black ink, appearing to read "W. T. Pierson".

William T. Pierson
Chief of Police